

A

LETTER

TO A

Member of Parliament,

Concerning the

BILL for Regulating

THE

Nightly Watch

IN THE

City of Westminster, and Liberties thereof.

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L O N D O N :

Printed for W. Boreham at the Angel in Paternoster-Row, 1720.

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S I R,

**W**HEN I first intended to send you my Reasons for the Bill now depending in the House, for regulating the nightly Watch, in this publick Manner; I was not apprised of the Difficulties of such an Undertaking, many Things very proper to be consider'd in this Debate, and fit to be mention'd when we argue on this Bill in private Conversation, being less proper for a Publication in Print: However, in Compliance to your Commands and my Promise, tho' inadvertently made, I here send you such other Reasons as have occur'd to me, for passing the Bill. The Importance of the Subject will, I hope, excuse my writing a little more methodically than the Nature of a Letter requires, my Design being to shew the Usefulness, nay absolute Necessity, of the Bill now depending. The best Manner of effecting this seems to be, *First*, By fairly and fully stating the Question. *Secondly*, By answering the Objections that have been raised against the Bill, and, *Lastly*, By offering Reasons for it. In order to state the Question fairly in all its Circumstances; and to shew that it is so done, I must beg Leave to premise three Things.



*First*, The Substance of the Bill now depending before your House for regulating the nightly Watch.

*Secondly*, The Act of the 27th of Q. Elizabeth, which our Adversaries so much rely on.

And, *Thirdly*, Their printed Case, with some Observations on the two forementioned Heads.

The Substance of the Bill is to give the Justices of the Peace a Power to direct the Watch, a Power that cannot possibly enlarge their present Authority, further than by giving them further Trouble, and yet is manifestly necessary for securing a Commerce after 'tis dark, between the Inhabitants of this great City, which is of absolute Necessity for the Nobility, Gentry, and even the Meanest of the Populace. Nor does this Bill, as has been falsely insinuated, give the Justices any Power of choosing Constables, that being in express Words saved to them who now enjoy the same. The Statute of the 27th of Elizabeth is as follows:

Anno.



Anno XXVII

*Elizabethæ Reginae.*

An ACT for the good Govern-  
ment of the City and Burrough  
of *Westminster* in the County  
of *Middlesex*.

**F**Orasmuch as by Creation and new  
Building of divers Houses, and  
by the Parting and Dividing of divers  
Tenements within the City or Bur-  
rough of Westminster, and the Liberties  
of the same, the People thereof are  
greatly encreased, and being for the  
most Part without Trade or Mystery,  
are become Poor, and many of them  
wholly given to Vice and Idleness, li-  
ving in Contempt of all manner of Of-  
ficers within the said City, for that  
their Power to Correct and Reform  
them is not sufficient in Law, as in  
that Behalf were meet and requisite:

Be it therefore Ordained by the  
Queen's most Excellent Majesty, the  
Lords Spiritual and Temporal, and  
the Commons, in this present Parlia-  
ment Assembled, and by the Authority  
of

The Preamble  
of the Act

That whereas the  
City of Westminster  
is a Burrough  
and Liberty  
within the County  
of Middlesex  
and the Liberties  
thereof  
and the People  
thereof are  
greatly encreased  
and being for the  
most part without  
trade or mystery  
are become poor  
and many of them  
wholly given to  
vice and idleness  
living in contempt  
of all manner of  
officers within the  
said city for that  
their power to  
correct and reform  
them is not  
sufficient in law  
as in that behalf  
were meet and  
requisite

That the Queen's  
most Excellent  
Majesty the  
Lords Spiritual  
and Temporal  
and the Commons  
in this present  
Parliament  
Assembled  
and by the  
Authority of

The City or Burrough of *Westminster*, and Liberties thereof, shall be divided into twelve Wards.

of the same, That the said City or Burrough of *Westminster*, the Liberties, Territories, and Precincts of the same, shall be, and for ever hereafter continue severed and divided, as it hath been accustomed, into Twelve several Divisions, to be called or known by the Name of Wards, the same to be and continue by such Limits, Metes, and Divisions, as heretofore hath been commonly taken or known.

And for the better Ordering and Government of the People Inhabiting and Being within all and every the Wards aforesaid, and for Repressing and Rooting out of Vice there used :

The Dean of *Westminster*, or High-Steward, or his Deputy, shall yearly on Thursday in Easter-week for ever, nominate and elect twelve Persons to be Burgeses.

The Qualification of the Persons to be chosen Burgeses.

Be it further Ordained by the Authority aforesaid, That the Dean of the Collegiate Church of *St. Peter's* of *Westminster*, or his Successors, or the High-Steward there for the Time being, or his lawful Deputy, shall upon Thursday in Easter-week, next after the End of this Session of Parliament, and so yearly for ever hereafter, nominate and elect Twelve sufficient Persons, being Merchants, Artificers, or Persons using any Trade of Buying or Selling within the said City or Burrough, or such other Persons as shall be willing thereunto, and Inhabiting within the said City or Burrough, and the Liberties of the same, which shall be called by the Name of Burgeses; Unto the Government of every which Bur-

Burgesſes, one of the ſaid twelve Wards ſhall be, by the ſaid Dean, and High-Steward, or his lawful Deputy, for the Time being, appointed and limited; which ſaid Twelve, and every of them, ſhall accept their Election, and ſhall continue in his ſaid Room for one Year next enſuing, and ſo from Year to Year during his or their natural Lives, if they ſhall ſo long inhabit there, except for ſome Offence or Miſgovernment by them or any of them committed; (and unleſs for Cause reaſonable proved) they ſhall be diſplaced by the Dean of Weſtmiſter, or High-Steward there, for the Time being: And if any Perſon or Perſons reſiant, and ſo nominated, ſhall reſuſe to accept the ſaid Room, he ſhall forfeit ten Pounds, to the Uſe of the Poor within the ſaid City or Burrough of Weſtmiſter, and to be levied by the Bailiff of the Liberties of the ſaid Dean and Chapter, by way of Diſtreſs, to be taken and juſtified to the Uſe aforeſaid; which ſaid twelve Burgesſes, and every of them, ſhall receive as well the uſual Oath of Supremacy, as alſo a Corporal Oath to him to be miniſtered by the ſaid High-Steward, or his Deputy, in open Court, to do and execute all Things to them appointed and authorized by this Act.

And for the more Aid and Aſſiſtance to perform that which, by the true Intent of this Statute, is meant to be per-

The Dean and High-Steward, or his Deputy, ſhall appoint the Government of a Ward to every of the twelve Burgesſes.

They ſhall accept their Election, and continue for one Year, and from Year to Year during Life.

A Burgeſs not to be removed but for Offence or Miſgovernment.

The Dean or High-Steward may diſplace a Burgeſs for good cauſe ſhewn.

A Reſiant reſuſing to accept the Place of a Burgeſs, ſhall forfeit ten Pounds to the Poor of Weſtmiſter.

The Bailiff of Weſtmiſter ſhall levy the Forfeiture by Diſtreſs.

The Burgeſs ſhall take the Oath of Supremacy, and an Oath to execute the Powers of this Act.



The Dean,  
High-Steward,  
or his Deputy,  
with the Bur-  
gesses, shall ten  
Days after their  
Election, nomi-  
nate twelve to  
be Assistants.

The Qualifica-  
tion of the  
twelve Persons  
to be Assistants.

The Assistants  
shall accept the  
Charge on the  
Penalty of five  
Pounds.

They shall take  
the Oaths be-  
fore mentioned,  
and be called  
Assistants to the  
Burgesses.

To the Govern-  
ment of every  
Ward one As-  
sistant shall be  
joined to the  
Burgess.

Each Burgess  
and Assistant in  
his Ward, shall  
have the Power  
of Aldermens  
Deputies in Lon-  
don.

performed, be it ordained by the Au-  
thority of this present Parliament,  
That the said Dean, or his Successors,  
or the said High-Steward, or his law-  
ful Deputy, with the said twelve Bur-  
gesses, or the more Part of the said  
Burgesses, shall, within ten Days  
after the Election and Choice of the  
said twelve Burgesses, nominate and  
elect twelve others, able Persons inha-  
biting within the said City or Bur-  
rough, and the Liberties thereof, being  
Merchants, Artificers, or using any  
Trade of Buying or Selling within  
the said City or Burrough, or any other  
being willing thereunto, as aforesaid,  
to be Assistants to the said twelve Bur-  
gesses; and that they shall accept the  
same Charge upon Payment of five  
Pounds, to be levied of every of them  
that shall refuse the said Room in Form  
aforesaid, to be employed as aforesaid,  
with like Oaths, as is aforesaid; and  
shall be called by the Names of As-  
sistants unto the said twelve Burgesses  
nominated to the aforesaid twelve  
Wards; unto every of which said  
Wards one of the said Assistants shall  
be appointed for the Government of the  
same, with the said Burgess; which  
said twelve Burgesses, and the said  
twelve Assistants, and every two of  
them, within the several Wards to  
them appointed and limited, (viz.) eve-  
ry Burgess, together with his As-  
sistant, shall and may, by Vertue there-  
of,

of, do and deal in every Thing and Things as Aldermens Deputies in the City of London lawfully do, or may do: And every of the said twelve Assistants shall continue in their said Office for and during one whole Year then next ensuing; if they shall continue their Habitation within the said City or Burrough, or Liberties of the same: And if any of the said twelve Burgeses, or Assistants, shall happen to die, or otherwise; upon reasonable Cause, to be removed or displaced from his said Office; that then the said Dean, or his Successors, and the High Steward for the Time being, or his lawful Deputy, shall, from Time to Time, at their Wills and Pleasure, nominate and appoint any other meet able Person or Persons of like Estate, Faculty and Quality, as aforesaid, inhabiting within the said City or Burrough, and the Liberties of the same, to supply the Place or Places of such of the said Burgeses or Assistants as shall so die, or be moved or displaced, who shall continue in the said Room until the Thursday in Easter-week then next following; and that such Person or Persons so nominated and elected, shall accept and exercise the same, upon Pain of five Pounds, to be levied and employed in Form aforesaid, and with like Oaths, as is aforesaid.

The Assistants shall continue in their Office one whole Year, if they live in Westminster, or the Liberties.

Burgeses or Assistants dying, or being removed or displaced, may be supplied by the Dean and High-Steward, or his Deputy.

The Person so put in, shall continue till the Thursday in Easter-week next succeeding his Choice;

And shall accept and exercise the Office, on the Penalty of five Pounds, and shall take the like Oaths as others.

And

The Dean and the High-Steward, or his Deputy, shall every Thursday in Easter-week for ever, appoint two Chief Burgesses out of the twelve Burgesses.

The two Chief Burgesses shall continue in their Place for one Year, and accept thereof, on pain of ten Pounds to the Use before said.

The Powers of the Dean, High-Steward, or his Deputy, and the two Chief Burgesses, with the other ten Burgesses,

To hear, examine, determine and punish, according to the Laws or the Customs of London,

And be it further enacted by the Authority aforesaid, That the said Dean, and his Successors, or the High-Steward, or his lawful Deputy, for ever hereafter yearly upon Thursday in Easter-week aforesaid, shall nominate and appoint two Persons out of the said twelve Burgesses, to be called or known by the Name of the two Chief Burgesses, to continue in the Office for one Year then next following; which Office they and every of them shall accept, upon Pain of ten Pounds aforesaid, to be paid as aforesaid, and to be levied by way of Distress to the Use aforesaid, as is before limited.

And for due Reformation of the Inconveniencies and Disorders which shall or may happen within the said City, Burrough, or Liberties, be it ordained by the Authority of this present Parliament, That as well the said Dean, or his Successors, the High-Steward aforesaid, or his Deputy, as also the said two Chief Burgesses, the other ten Burgesses, or any four or three of them, whereof the said Dean, High-Steward, or his Deputy, or one of the said two Chief Burgesses, to be one from Time to Time for ever hereafter, to be appointed during their said Office, shall and may, by Vertue of this Act, within the said City or Burrough, or the Liberties thereof, hear, examine, determine, and punish, according to the Laws of this Realm,



of laudable and lawful Custom of the City of London, all Matters of Incontinencies, common Scolds, and of Inmates, and common Annoyances; and likewise, that they shall have Authority to commit to Prison such Persons, as within the said City, shall offend against the Peace, and thereof shall give Notice within four and twenty Hours after to some Justices of Peace within the County of Middlesex.

And be it further enacted by the Authority aforesaid, That all good Orders to be made by the said Dean and High-Steward, with the Assent of the Burgesses and Assistants for the Time being, or the more Part of them, for or concerning the Government of the said Inhabitants, not repugnant to the Queen's Majesty's Prerogative, nor the Laws and Statutes of this Realm, shall, by Virtue of this Act, stand in full Force and Strength.

Provided, That this Act, or any Thing therein contained, shall not be prejudicial to the Steward, Marshal, or Coroner of the Queen's Majesty's Household, nor to the Authority of Justices of Peace within the County of Middlesex, nor to the Dean and Chapter of Westminster, or their Successors, nor to the High-Steward there, or his Deputy, for the Time being, nor to the Mayor,

Incontinencies, common Scolds, Inmates, and common Annoyances.

They may commit to Prison such as offend against the Peace;

But to give Notice to some Justice of Middlesex in twenty-four Hours.

All Ordinances to be made for the Government of the Inhabitants, not repugnant to the Prerogative of the Crown, or the Laws of the Realm, shall be of Force.

The Act shall not prejudice the Marshal of the Queen's Household, nor the Steward, or Coroner thereof; nor the Authority of Justices of Peace of Middlesex; nor the Dean of Westminster, nor the High-Steward or his De-

puty; nor the Mayor and Clerk of the Staple, High-Constable, Bailiff of the Liberty, Town-Clerks, nor Clerk of the Market. The Act shall prejudice no Search to be made by any Officer in Westminster, nor contrary to the Act.

Mayor, Society, and Clerk of the Staple, High-Constable, Bailiff of the Liberty, Town-Clerks, nor to the Clerk of the Market, nor to any Search to be made by any other Officer in the said City or Burrough of Westminster, now being, or that at any Time hereafter shall be, nor being contrary to the true Meaning of this present Act.

The Officers before mentioned, and their Deputies, may enjoy all their Rights, in as ample Manner as heretofore, if the same be not contrary to this Act.

And be it declared by the Authority of this Act, That they, and every of them, their Deputies and Assigns, shall and may have, take, and enjoy all the Privileges, Authorities, Benefits, and Profits, unto them, or their said Office belonging, from Time to Time, for ever hereafter, in as ample wise, as they or any of them have had, taken, and enjoyed the same at any Time heretofore, not being contrary to the true Meaning of this present Act.

If the Dean, &c. be remiss in choosing Burgesses, two Justices of Middlesex may choose them.

Provided always, That if it shall happen at any Time hereafter, that the Dean of Westminster aforesaid, or his Successors, and the said High-Steward, for the Time being, and his lawful Deputy, and every of them, be remiss or negligent in choosing and nominating of the Burgesses aforesaid, at the Time before limited, That then it shall and may be lawful for two Justices of Peace within the County of Middlesex, whereof one to be of the Quorum, to nominate and chuse the said Burgesses, being

Being such Persons as aforesaid; who being so nominated and chosen by the said Justices, shall occupy and enjoy the said Rooms, upon the Pains aforesaid, and have and enjoy such Liberties, in all respects, as if they had been nominated and chosen by the said Dean and High-Steward, as aforesaid.

Provided also, That all such Burgeses, as aforesaid, which hereafter shall be chosen, as aforesaid, to serve in any of the said Rooms or Places, shall not be compellable by this Act, to remain in the said Office or Room, above the Space of one whole Year next after such Choice or Election: And all such Persons as shall, for Refusal of any of the said Offices, pay any the Sums aforesaid, shall not be nominated again to any of the said Places, within the Space of five Years then next following.

And soasmuch as there be divers Houses, Tenelements and Buildings, within the Liberties of the Duchy of Lancaster, of the which said Houses, Tenelements and Buildings there are certain, which are lying and being within the City or Burrough of Westminster, and divers of the same are next adjoining to the said City or Burrough, and yet the Inhabitants within the said Liberties of the said Duchy are not subject to the Government or Jurisdiction of Westminster, but have Liberties

Burgeses chosen by Justices, shall have such Liberties as those chosen by the Dean, &c.

Persons chosen in the Rooms of others, shall not be compelled to serve more than one Year.

Persons refusing to be Burgeses, and paying the Sums therefore imposed, shall not be nominated in five Years.



erties and franchises distinct and divided by themselves; and to the Intent that one uniform Government may be in both the said Liberties of Westminster, and the Dutchy, in the Places aforesaid: Be it enacted by the Authority of this present Parliament, That the Chancellor or Steward of the Dutchy, for the Time being, shall have the like Power and Authority, by Vertue of this Act, in all Things, as the Dean of Westminster, and the High Steward of the same, have by Vertue of this Act, for the better Government of the Inhabitants within the Liberties of the said Dutchy, being and next adjoining to Westminster, as is aforesaid.

The Chancellor or Steward of the Dutchy of Lancaster, shall have like Power as the Dean of Westminster, &c. within the Dutchy-Liberty.

The Act not to extend to the College or Close of Westminster, for any Offence within the Circuit thereof.

The Burgesses shall not hear or determine any Thing without the Dean, or High-Steward, or his Deputy, or the Town-Clerk in their Absence.

Provided always, That this Act, or any Thing or Matter therein contained, shall not extend to the Church or College of Westminster, nor to the Close of Westminster, nor to any Person or Persons inhabiting within the Site, Circuit, or Precinct of the said Church, College or Close, for any Offence or Misgovernment to be committed by them, or any of them, within the Site, Circuit, or Precinct of the said Church, College, or Close, or City, or Burrough of Westminster: And that this Act, nor any Thing therein contained, shall extend to give any Authority, Jurisdiction, or Power to the said Burgesses, to hear, examine, and determine any Thing by Vertue of this Act, with-

out

out the Consent of the said Dean, or of the said High Steward, or his lawful Deputy, or in the Absence of the said Dean, High Steward, or his lawful Deputy, then with the only Presence and Consent of the Town-Clerk there, for the Time being, and not otherwise.

And this Act to continue unto the End of the Parliament next following.

Provided also, That the Searcher, for the Time being, of the Sanctuary of Westminster, shall have and enjoy, within the Sanctuary of Westminster, the Execution and Serving of all Process, Commandments, and Warrants, and the Attachments, and Apprehensions of all Manner of Offenders within the Sanctuary aforesaid, and within the Site, Circuit, and Precinct thereof, in as ample Manner and Form as if this Act had never been had or made.

The Searcher of the Sanctuary shall have Execution of Process within the Sanctuary, as he might do before the making this Act.

The Act was continued in *Anno 31 die Regine Elizabethæ, cap. 10.* to the End of the Parliament then next ensuing.

And 35 *ejusdem Regine, cap. 7.* to the End of the Parliament then next ensuing.

And 39 *ejusdem Regine, cap. 18.* to the End of the next Parliament next ensuing.

And 43 *ejusdem Regine, to the End of the first Session of the next Parliament.*

Add in *Anno primo Jacobi Primi Regis, cap. 25.* to the End of the first Session of the next Parliament.

And

And in the first Session of the next Parliament.

And in the first Session of the next Parliament.

And in the first Session of the next Parliament, in a certain Act for granting two Subsidies, for the further Relief of His Majesty's Army,

It was enacted, That all Statutes and Acts of Parliament which have their Continuance, or were by an Act of Parliament made in the third Year of his Majesty that now is, Entitled, An Act for the Continuance and Repeal of divers Statutes, continued until the End of the first Session of the then next Parliament, shall, by Vertue of this Act, be adjudged, ever since the Session of Parliament in the said third Year, to have been of such Force and Effect, as the same were the last Day of that Session, and from thenceforth until some other Act of Parliament be made, touching the Continuance or Discontinuance of the said Statutes and Acts, in the said Act of the third Year of his Majesty's Reign continued, as aforesaid.

On this Act of Parliament I beg leave to make a few Remarks.

First, The Motives for making the Act, and these are contained in the Preamble, in

which



which be pleased to remark, That the encreasing the Power of the Dean and Chapter is none, but only the better Government of the City or Borough of *Westminster*. Now many of us who are Inhabitants, know by sad Experience, that it has fail'd of answering that good Design; and therefore may reasonably Hope for a Repeal of it.

*Secondly*, By the Act, the Deputy-Steward is one of the Persons who has the Nomination of the Burgeſſes. Here I beg you will obſerve, That however, in other Things, the Act ſeems to deſign a Sort of Uniformity betwixt the Government of the City of *Westminster* and that of *London*; nevertheless, in this very Point we are dealt hardly with; for, in the City of *London*, the Wards are govern'd by Aldermen of their own chooſing, but we are to be govern'd by Burgeſſes that are nominated by others, and at preſent the Severity is ſo much the greater, becauſe the Deputy-Steward of *Westminster* is Clerk to the Company of *Cutlers*, and lives in his Maſters, the Company's Houſe, in *Cloak-lane* near *Grace-Church-ſtreet*; and that is the more wonderful, becauſe in the printed Caſe of the Dean and Chapter, 'tis ſaid, and that truly, "To be altogether improper, That Persons who are in a great Measure Strangers to the Liberty, ſhould be truſted with the Nomination of Ward-Officers."

The very Words  
of the Caſe.

The laſt Thing I would obſerve to you is, That the Act was originally but temporary, and not at firſt intended to be as it is now underſtood, perpetual, being only made to con-

tinue from Session to Session, by which Circumstances we may reasonably conclude, That the Parliament thought the Act not fit to be perpetuated, but proposed to alter the same. Indeed in the 17th of *Charles I.* 'twas according to the now receiv'd Opinion, made perpetual, I say, according to the now receiv'd Opinion; for 'tis notorious, that 'twas doubted, 'till of late, whether the third of *Charles I.* which stands on the same Foot with this, was expired, or not.

Whoever considers the Circumstances of the Time, and the Manner this Act was continued in, will think it will little avail those who oppose this Bill.

For 1st, the Time in which it was continued, was when the great Rebellion was breaking out, and so passed in an Hurry, in Company with near forty other Acts, and was not mentioned particularly by any Title or Description, and by such Words as you lately read. And give me leave to say, that in the two last Particulars, 'tis not to be parallel'd by any other Example in the Statute-Book. You so well know, Sir, it is unparliamentary, that I needed not to have mentioned this.

But I now proceed to something like a Libel on the Justices, that is lately printed, and call'd *The Dean and Chapter's Case*. 'Tis the most wonderful Performance, perhaps, you ever read. You will see it as follows in one Column, with Remarks on it in the other.

*The Case of the Dean and Chapter of Westminster, with respect to the Bill for regulating the nightly Watch, now depending in Parliament.*

*The Case.*

1. **T**HAT the Government of the Borough of *Westminster*, and the Liberty thereof, was by several Grants of Princes, and by immemorial Usage, in the Abbot and Convent of *Westminster*, and was in all Times executed by the Officers by them appointed, and in the Courts to them belonging.

2. That on the Foundation of the Dean and Chapter, in the 2d of Queen *Elizabeth*, she granted them by her Charter, all the same Immunities, Privileges and Powers in this Respect, which the Abbot and Convent before had and enjoy'd, and that such Privileges and Powers, the Dean and Chapter, by their Officers, and in their Courts, continued upon the said new

Foun-

*The Remarks.*

1. **T**HIS is direct Nonsense, to claim a Liberty by immemorial Usage, and also by Grants, which ever have a Date to them.

2. See the Remarks upon the Act above.

3. To



*The Case.**The Remarks.*

Foundation to exercise and enjoy.

3. That in the 27th of *Q. Elizabeth*, an Act was made for the good Government of the City and Borough of *Westminster* in the County of *Middlesex*; by which Act it appears, That the said City and Borough had been of old Time sever'd into twelve distinct Divisions or Wards, and each of these twelve Wards had been govern'd by their proper Officers, in the said Act term'd Burgesses and Assistants; for the Future appointing of which Burgesses and Assistants, by the Authority of the Dean and Chapter, and the Officers to them belonging, a Method is in that Act prescribed, and the said Burgesses and Assistants, have under the Dean and Chapter, and their High-Steward and Deputy-Steward, govern'd the said City and Borough, in the Manner by the said Act directed.

4. Which

3. To call a Place a City and Borough, is a Contradiction *in Terminis*, the Case-Writer, had he ever read *Coke on Littleton*, might have known the Difference.

4. 'Tis

*The Case.**The Remarks.*

4. Which Manner of Government hath been found so beneficial, that as the City encreased, and new Parishes were by Act of Parliament created, Care had been taken by the said Acts to constitute new Wards and new Burgeses, for the Government thereof, particularly in the Case of the Parishes of *St. Anne's* and *St. James's*. That the Burgeses and Assistants appointed by the said Act of the 27th of *Q. Elizabeth*, and by the said subsequent Acts, are authorized in Vertue thereof, to do and deal in every Thing and Things as Aldermen's Deputies in the City of *London* do, or may do; and there is a further Provision made by the said Act of the 27th of *Q. Elizabeth*, That all good Orders and Ordinances made with the Assent of the said Burgeses, for or concerning the Government of the Inhabitants of the said City and Borough, not repugnant to the King's Prerogative, nor to the Laws and Statutes of this

4. 'Tis well known, That the High-Steward being always a Nobleman, never acts but by his Deputy; since then the Deputy is, as the Case says truly, one of the Governors of the City of *Westminster*, it ought to be, and ever has been till now, in the Hands of Men of the greatest Figure and Repute in the Law; such as Serjeant *Dolben*, Serjeant *Wythens*, Serjeant *Bonithon*, &c. but at present is fill'd by the Clerk to the Company of *Cutlers*: Is it not contrary to all the Rules of Reason and Law, that a Man by Law incapable to plead a Cause, shall sit to judge one; and that a Domestick Servant to the meanest Company of the City of *London*, should govern the City of *Westminster*, where the King's Court usually resides, both Houses of Parliament annually meet, and most of the Nobility and Members inhabit. Here the Case-Writer reflects highly on the present Deputy-Steward, for at the Time those Acts

*The Case.**The Remarks.*

this Realm, shall, by Ver-  
tue of that Act stand in full  
Force and Strength. That in  
this Burges Court thus con-  
stituted and established by  
Act of Parliament, all the  
Constables of the Liberty, and  
the Beadles, have been ever  
since appointed; to whom  
the Care of the nightly  
Watch hath been committed  
under such Regulations as  
the said Court, or the par-  
ticular Burgeses of the several  
Wards may direct.

Accordingly in the Act  
30 Car. II. for erecting the  
new Parish of St. Anne's, it  
is, *inter alia*, provided, That  
the additional Burgeses, by  
that Act appointed, should,  
from Time to Time, make  
such Rules and Orders for  
the keeping of Watch and  
Ward in the said Parish, and  
for their Stations and Num-  
ber of Watchmen in each  
Ward, and other Matters  
relating thereunto, as they  
should think fit; and for  
the Punishing the Infringers  
of such Rules and Orders,  
as they may do those who  
com-

Acts were made, the Fact  
might be true, because Ser-  
jeant *Dolben* was then De-  
puty-Steward, and the pre-  
sent Outrages were not  
known, till the Clerk to the  
Company of *Cutlers* was  
Deputy-Steward; So that  
in a Word, Serjeant *Dolben*  
govern'd so well, that the  
Power was encreased, and  
this so ill, that perhaps it  
may be thought necessary to  
abridge it,



*The Case.**The Remarks.*

commit common Annoy-  
ance by the Act 27 Eliz.

5. That under the present Regulation of the nightly Watch, the Inhabitants of *Westminster* have thought themselves very safe; and have been so far from complaining, either of the Management or Charge of it, that when a like Bill to what is now offer'd, was brought into Parliament about the Year 1705, the Inhabitants petition'd against it, and the Bill was rejected; the Justices who solicited the same, not being able to satisfy the *House of Commons*, that the Regulations intended by the said Bill would be any Ways useful.

6. That the present Bill takes away from the Burgeſs-Court (which is the Court of the Dean and Chapter) all their Right and Interest in the Nomination of the said Beadles, and places it in the Justices of the Peace, with a Power of  
solely

5. This, if 'tis Fact, still revives the same Answer, Mr. *Medlicot* was then Deputy-Steward of *Westminster*; therefore, if this Allegation proves any Thing, it proves that the Fault lies in the present Administration.

6. In this Particular 'tis confess'd, the Bill lessens the Power of the Deputy-Steward; but the Outrages so frequently committed in the Streets, sufficiently shew that it takes it out of Hands that don't use it well: Besides, is there one  
Gen-

*The Case.**The Remarks.*

solely directing and ordering the said Constables and Beadles to keep the Watch in what Manner they shall please, and of levying on the Inhabitants what Sums they shall please for that Purpose.

7. This the Dean and Chapter think to be highly prejudicial to their undoubted Rights, as well as a Thing improper, that Persons in a great Measure Strangers to the Liberty, should be trusted with the Nomination of Ward-Officers, and that it should be taken out of the Hands of those who are best acquainted with the Inhabitants and their Characters, and most likely, as well as most able, to do Justice to the Neighbourhood where they live; both as to the Appointment of those Officers, and the Conducting them in the Execution of their Duty.

Gentleman in the Liberty, who had not rather the entire Government of the City of *Westminster* were lodg'd in the Hands of the Justices, than in the Hands of a Domestick Servant to the Company of *Cutlers*.

7. 'Tis agreed that the Nomination of Ward-Officers, should not be given to such as are Strangers to the Liberty; but it don't from thence follow, that it is improper to lodge that Power in the Justices; for, 1<sup>st</sup>, Most of the Justices live in the Liberty. 2<sup>dly</sup>, A Watchman is not properly a Ward-Officer; but it proves to a Demonstration, that the present Deputy-Steward is a very improper Person to execute that Office, who lives in the House of his Masters, in *Cloak-lane* near *Grace-Church-street*, and is consequently a great Stranger to the Liberty, tho' by Virtue of this Office he nominates Burgeses, &c.

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been made to the Bill; and though it may seem evidently just and necessary, that the Bill should pass, yet I shall beg you'd spare a little of your Time whilst I answer the two Objections, and the only ones, as far as I can learn, that are made against the Bill, *viz.* First, That it lessens the Power of the Dean and Chapter; and Secondly, That by this Bill the Justices will have a Power of levying Money on the Inhabitants,

As to the First, I readily admit, that if the Bill passes, some Part of the Dean and Chapter's Authority will be lessen'd, but no Part of their Profit taken from them. And now give me Leave to say, That Courts of Justice were erected directly and solely for the Publick Good, and the Power and Profit of particular Persons never was, or ever can be a Motive either for erecting or continuing the Power of Courts, which Experience has, or shall shew not to answer their End.

Secondly, Such Things as taking away Courts of Justice, are not without Precedent in all Times; The High-Commission Court, The Star-Chamber, The Court of Wards and Liveries, and so late as in the first Year of King *William* and Queen *Mary*, the Court held before the President of the Marches in *Wales*, was abolish'd: And 'tis very remarkable, That tho' there were many Offices in those Courts which had been purchased by particular Persons, yet no Provision was made for them; whereas this Bill, in a more gentle Manner, only restrains a small Part of the Power

Power lodg'd in the Dean and Chapter's Officers, without depriving them of any Profit; and this too, when Experience has shew'd; it cannot be continued in their Hands, without manifestly endangering the Lives and Properties of the Inhabitants.

As such Abuses have been corrected by Act of Parliament, so have they been in a more severe Manner remedied by Proceedings at Law: For the Abbot of *Croyland*, (who was a mitred Abbot) had his Liberty and Court forfeited, for an Error in the Judgment of the Steward; and whether any might be found in this Case, will best appear by examining the Rolls.

As to the Expence, which is the other Objection:

1st, If the Money levied on the Inhabitants is prudently distributed for their Preservation, no reasonable Person can complain.

2dly, This Objection comes with small Grace, out of the Mouths of the Dean and Chapter's Officers, who, as it is notorious, levy great Sums on the Inhabitants, under Colour of Fines.

Though, Sir, I have detain'd you longer, than I at first propos'd, on the former Subjects, I shall compensate that by the Shortness of the Reasons for the Bill. That which we feel, we want no other Argument to prove.

There is scarce a Night, wherewith some Outrage is not committed in the Liberty of *Westminster*; and don't we see these Inconveniencies daily increase? We could once walk the Streets secure, but cannot now. How long are we sure, we may sleep safely in our Houses? Whoever considers a little, will not want sad Experience to teach him, this is not long to be hoped; for such Outrages were never known, when our Deputy-Steward's continual Residence was in the Liberty, or the adjacent Inns of Court, as all ever did, 'till the Clerk of *Cutler's Hall* crept into the Office. May not we justly attribute these Ills, (to express it in softest Terms) to his weak Administration. The like were never known before, nor do we hear of any such in the City of *London*; and can there be any Reason assign'd for a Difference, unless it be a Defect in the executive Power of our Liberty of *Westminster*? I am sure, considering the Quality of many of the Inhabitants of the City of *Westminster*, it might be reasonable to expect more Care should be taken of their and our Common Security.

Under these Difficulties and Dangers, under the continual Peril of being robb'd or murder'd, if on the necessary Occasions of Life, we are obliged to be out of our own Doors after 'tis dark, what Hopes have we for Redress but from the Bill now depending, which will be no pecuniary Damage to the Dean and Chapter of *Westminster*, and is the only Method to restore that Security we once enjoy'd,



enjoy'd, and is still preserv'd in every City  
and Town throughout the Kingdom, I am,

S I R,

*Your most Obedient,*

Westminster,  
Feb. 17. 1712.

*Humble Servant,*

N. M.

I Would not be so much as to mention the  
right to sell in Mr. Carter's Case in Things with  
in the Protection, as a Solicitor in Chancery,  
for therein I do not hear he is depriv'd; the  
Business being in a Road, and requiring no  
Reading, only a little Knowledge in the Pro-  
ceedings of the Court, which a Man may have in  
the Practice of Law, without being a Lawyer.  
Judge of the Common Law; but he has the  
the Chief Justice of the Common Law in his own  
(and in the Deputy Steward's) should be  
thoroughly read in the Common Law, and un-  
derstand perfectly the Laws of the Crown. I  
shall conclude with a Prayer much used  
among the Lawyers, which in English runs  
thus, I pray the Lord to direct me.

POST.

FEB 17 1712

and Town throughout the Kingdom. I am  
enjoy'd and is still preserv'd in every City

# POSTSCRIPT.

**I** Would not be so misunderstood, as if I design'd to lessen Mr. Cotton in Things within his Profession, as a Solicitor in *Chancery*, for therein I do not hear he is defective; the Business being in a Road, and requiring no Reading, only a little Knowledge in the Practice of the Court, which a Man may have, in the highest Degree, without the least Knowledge of the Common Law; but he that is the Chief/acting Officer in so great a City, (and such the Deputy-Steward is) should be thoroughly read in the Common Law, and understand perfectly Pleas of the Crown. I shall conclude with a Proverb much used among the *Romans*, which in *English* runs thus, *Let not the Shoemaker exceed his Last.*

F I N I S.